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Paper No. 16

**MAIL**

**AUG 31 2004**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600**

BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
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WASHINGTON DC 20001-5303

In re Application of:  
Oren MARMUR  
Application Serial No.: 09/500,823  
Filed: February 10, 2000  
For: METHOD AND SYSTEM FOR  
COMMUNICATION PROTECTION

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**DECISION  
ON PETITION**

This is a decision on the petition to withdraw the holding of abandonment filed June 2, 2004.

The petition is **GRANTED**.

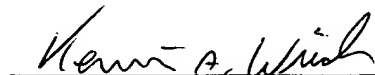
This application became abandoned for failure to properly respond to the final Office action mailed on May 22, 2003. A Notice of Abandonment was mailed May 19, 2004.

Petitioner alleges to have timely filed a response in the form of a Request for Continued Examination (RCE) an petition for two months extension of time. To support this position, Petitioner has included with the petition a copy of the RCE transmittal request for extension of time and USPTO receipt that is date stamped October 21, 2003, indicating PTO receipt of the RCE before the expiration of the fifth month of the statutory period for response.

The original papers filed were not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file. The fees submitted with the response have been credited to the application.

Therefore, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to Technology Center's technical support staff for processing the RCE along with an Information Disclosure Statement filed July 1, 2004. From there, the file will be forwarded to the examiner for further consideration in due course.

  
Kenneth A. Wieder  
Special Program Examiner  
Technology Center 2600  
Communications